

ELECTRONIC ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT PITNEY BOWES' MOTION FOR PROTECTIVE ORDER [355]. As set forth in the parties' filings (Dkts. ##355, 356 to 356-7, 373 to 373-10, 374, 387), while defendant Pitney Bowes originally argued that its two corporate representatives, Mark Pettegrew and Michael Lemieux, deposed on November 18, 2008 and January 6, 2009, respectively, testified extensively regarding all but one of the fifty-four topics identified in plaintiff Innis Arden's Second Notice of Deposition, dated December 17, 2008, plaintiff Innis Arden has identified five topics about which it needs additional testimony – paving of parking lots, excavation of fuel oil tanks and location of stockpiled soil; specific issues concerning transformers; the use of hydraulic oils or fluids at the property; and the use of Building No. 3. As a result, defendant Pitney Bowes has agreed in its reply brief that

[b]ased on these limited areas, and despite [defendant Pitney Bowes'] position that it has produced . . . [deponents] knowledgeable with respect to certain of the areas listed above, [defendant Pitney Bowes] nevertheless will agree to produce a representative who will: (i) testify as to any additional knowledge [defendant Pitney Bowes] has regarding these areas; (ii) confirm, correct and/or expand upon [defendant Pitney Bowes'] prior testimony regarding this areas; and (iii) testify that [defendant Pitney Bowes'] has no further knowledge regarding one or more of these areas.

(Dkt. #387, at 1-2).

Accordingly, defendant Pitney Bowes' Motion for Protective Order (Dkt. #355) is granted in part and denied in part to the extent agreed to above, and such deposition shall be completed **on or before February 18, 2009**. The Magistrate Judge thanks counsel for plaintiff Innis Arden and defendant Pitney Bowes for being able to resolve at least one discovery issue between themselves.